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it was not necessary to show that the statements were not induced by fear, threats or the hope of leniency.

A confession in criminal law, is the voluntary declaration of guilt made to another by a person who has committed a crime. *People v. Strong*, 30 Cal. 151. Such confession must be voluntary, that is, not induced by any promise of forbearance or threat of punishment. *Hopt v. Utah*, 110 U. S. 574, 584. A confession is restricted to an acknowledgment of having committed the act for which the confessor is being tried. *People v. Parton*, 49 Cal. 632; *State v. Jackson*, 95 Mo. 623. So a statement of fact not constituting an actual confession of guilt is not a confession and is not admissible as such. It may, however, be admissible as an admission. *State v. Picton*, 51 La. 624.

CRIMINAL LAW—EVIDENCE—TESTIMONY ON A FORMER TRIAL.—*HOLIFIELD V. CITY OF LAUREL*, 50 So. 488 (Miss.).—*Held*, that testimony of a witness against the defendant on a prosecution in the police court may not be used on the trial on appeal to the circuit court, though the witness has removed from the state.

The general rule is that where testimony was given under oath, in a judicial proceeding, to which the adverse litigant was a party, and where he had the power to cross-examine, the testimony so given is admissible in any subsequent suit between the parties, after the decease of the witness, or when he is out of the jurisdiction of the court, or when he cannot be found after diligent search, or when he is being kept away by the opposite party. 1 *Greenleaf Ev.*, 16th ed., Sect. 163. But, the courts of this country are not in harmony on this point. In some jurisdictions such evidence has been ruled inadmissible, unless it appeared that the witness was absent through the connivance, or by the procurement of the accused. *State v. Wing*, 66 Ohio St. 407. While other courts have held such evidence admissible only when the doctrine of necessity arises; *i. e.*, when no amount of diligence can bring the witness into court. *State v. Jordan*, 34 La. Ann. 1219. And such evidence is inadmissible, unless it is shown that the full process of the court has been vainly invoked in an effort to compel the attendance of the absent witness. *State v. Evans*, 65 Mo. 574. But in any case it must be shown that the defendant had the opportunity of subjecting the witness to cross-examination at the former trial. *Garcia v. State*, 12 Tex. App. 335.

GRAND JURY—QUALIFICATION OF JURORS—TAXABLE PERSONS—*NORTH CAROLINA STATUTE*.—*U. S. v. BREESE, ET AL.*, 172 Fed. 761.—*Held*, that a code provision providing that grand jurors should be selected from persons only who had paid tax for the preceding year, does not disqualify a person from being a legal grand juror who did not own property above the amount exempt from taxation, and was not therefore assessed with any tax for the preceding year.

The disqualification of a grand juror prescribed by statute is a matter of substance, which cannot be regarded as a mere defect or imper-